

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

FILED

98 MAY -5 AM 9:09

U.S. DISTRICT COURT  
N.D. OF ALABAMA

MICHAEL HENRY SMITH,

)

PETITIONER,

)

VS.

)

CV96-H-807-E

WARDEN JOE SIVLEY,  
CAPTAIN FULCHER and  
THE BUREAU OF PRISONS,

)

)

RESPONDENTS.

)

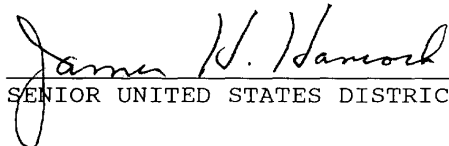
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MAY - 5 1998

MEMORANDUM OF OPINION

This action involves claims brought under 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). The court has considered the entire file together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and conclusions of the court. In accord with the recommendation, the respondents' motion to dismiss is due to be granted. An appropriate order will be entered.

DONE this the 5<sup>th</sup> day of May, 1998.

  
SENIOR UNITED STATES DISTRICT JUDGE

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